

## ARTICLE 63-04

### DISCIPLINARY ACTION

Chapter  
63-04-01            General Administration

#### CHAPTER 63-04-01 GENERAL ADMINISTRATION

Section  
63-04-01-01            Complaint and Reports  
63-04-01-02            Preliminary Investigation  
63-04-01-03            Administrative Hearing

**63-04-01-01. Complaint and reports.** Any person, public officer, association, or the board may register a complaint against a licensed podiatrist. The complaint must be in writing and must be submitted to the board. Mandatory reporting may be made on forms provided by the board. Any entity or person mandated to report to the board shall provide any further, supplemental, or additional information as may be reasonably requested by the board. Insurers required to submit reports to the board shall send the reports to the board by the first day of the months of February, May, August, and November of each year.

**History:** Effective October 1, 1982; amended effective December 1, 1991.

**General Authority:** NDCC 28-32-02, 43-05-08

**Law Implemented:** NDCC 43-05-08, 43-05-16.5

**63-04-01-02. Preliminary investigation.** All complaints alleging or implying violations of North Dakota Century Code chapter 43-05 or this title shall be referred to the board's counsel with instructions to investigate.

1. Upon the initial investigation, the board's counsel will recommend to the board what action, if any, the board shall take.
2. Complaints involving minor or routine issues may, at the discretion of the board, be assigned to a member of the board. Typically, such assignment will be a written inquiry, explanation, or warning to the person or persons accused, with copies of all correspondence to the other members.
3. The board may hold a preliminary hearing to determine whether a formal administrative hearing is necessary.
4. The board shall cause the board's counsel or secretary-treasurer to immediately serve or send written notice of suspension or revocation to the affected podiatrist for any ex parte suspension or ex parte

revocation, allowed by law, that is approved by the board after preliminary investigation.

**History:** Effective October 1, 1982; amended effective December 1, 1991.

**General Authority:** NDCC 28-32-02, 43-05-08

**Law Implemented:** NDCC 43-05-08, 43-05-16.2

**63-04-01-03. Administrative hearing.** If the board decides that the complaint requires a formal administrative hearing, the hearing shall be in accordance with North Dakota Century Code chapter 28-32.

1. Upon the conclusion of the hearing, the board shall make findings of fact and conclusions of law and accordingly may take such disciplinary action as is allowed by law.
2. An order of suspension made by the board may contain such provisions as to reinstatement of the license as the board shall direct and as are authorized by law.
3. The board upon good cause may direct a rehearing.
4. Any appeal may be taken in the manner provided in North Dakota Century Code chapter 28-32.

**History:** Effective October 1, 1982; amended effective December 1, 1991.

**General Authority:** NDCC 28-32-02, 43-05-08

**Law Implemented:** NDCC 43-05-08, 43-05-16.1, 43-05-16.2